

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.8229 OF 2006

Mrs Ratika Mahesh Chandnani and anr. Petitioners
Vs
Sarfaraz Munir Ahmed Shamsi and anr. Respondents.

Mr. A.A.Siddique i/b M/s M.P.Vashi & Associates, for
the petitioners.

Mr Bhupendra R.Singh i/b Mr S.S.Padmashali, for
respndent no.2.

CORAM : **D.B.BHOSALE, J.**
DATE : **08/02/2007**

PC:

1. Heard the learned counsel for the parties.

2. By this writ petition, the petitioners have impugned the order dated 3.10.2006, by which the revision application filed by the petitioners was partly allowed. The order dated 6.9.2005 passed in Interim Notice No.662 of 2004 in L.E.& C.Suit No.49/58 of 2004 was under challenge in revision. By that order, the petitioners were directed to deposit the arrears of compensation and also deposit the monthly compensation on or before 10th of each month. The respondents were given a liberty to withdraw the said amount. By the impugned order, while allowing the revision partly, the liberty granted to the plaintiff to withdraw the said amount was set aside and the petitioners were directed

to deposit the arrears within two months. Till this date the petitioners have not deposited the amount as per the impugned order. Keeping that in view and considering the overall facts and circumstances of the case the impugned order, in my opinion, is just and proper and does not warrant interference under Article 227 of the Constitution of India. Hence, the writ petition is dismissed. At this stage, the learned counsel for the petitioners, prayed for some more time to deposit the amount and direction to the trial court to dispose of the suit within timeframe. I am satisfied that the following order shall meet the ends of justice.

(i) The petitioners are allowed to deposit the arrears of compensation as per the impugned order within a period of two months from today. The trial Court shall dispose of the suit as expeditiously as possible and, in any case before the end of July, 2007.

(ii) The writ petition is accordingly disposed of.

(D.B.BHOSALE, J.)